

## 2018 Current Fiscal Year Report: Plant Variety Protection Advisory Board

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### 1. Department or Agency

Department of Agriculture

### 2. Fiscal Year

2018

### 3. Committee or Subcommittee

Plant Variety Protection Advisory Board

### 3b. GSA Committee No.

1309

### 4. Is this New During Fiscal Year?

No

### 5. Current Charter

01/11/2017

### 6. Expected Renewal Date

01/11/2019

### 7. Expected Term Date

### 8a. Was Terminated During Fiscal Year?

No

### 8b. Specific Termination Authority

7 U.S.C. 2327

### 8c. Actual Term Date

### 9. Agency Recommendation for Next Fiscal Year

Continue

### 10a. Legislation Req to Terminate?

Not Applicable

### 10b. Legislation Pending?

Not Applicable

### 11. Establishment Authority Statutory (Congress Created)

### 12. Specific Establishment Authority

7 U.S.C. 2327

### 13. Effective Date

12/24/1970

### 14. Committee Type

Continuing

### 14c. Presidential?

No

### 15. Description of Committee Scientific Technical Program Advisory Board

### 16a. Total Number of Reports

No Reports for this Fiscal Year

### 17a. Open 1 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 1 Meetings and Dates

#### Purpose

Board meeting

#### Start

08/14/2018

#### End

- 08/14/2018

### Number of Committee Meetings Listed: 1

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$8,444.00
18a(3). Personnel Pmts to Federal Staff	\$8,444.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$26,000.00	\$26,000.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$3,200.00	\$3,200.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$500.00
18d. Total	\$37,644.00	\$38,144.00
19. Federal Staff Support Years (FTE)	0.05	0.05

**20a. How does the Committee accomplish its purpose?**

The Board is appointed by the Secretary of Agriculture and answers to the Secretary of Agriculture through the meeting minutes. Recommendations are voted upon and simple majority carries the motion.

**20b. How does the Committee balance its membership?**

The membership includes farmer representation and is drawn approximately equally from the private or seed industry sector and from the sector of the government or the public.

**20c. How frequent and relevant are the Committee Meetings?**

The Board meets annually in person and once via teleconference. Special meetings may be called if the Secretary of Agriculture requires more immediate advise.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Board is mandated by Congress in 7 U.S.C.2327. The Board is required to advise the Secretary of Agriculture on matters concerning adoption of Rules and Regulations, appeals of decisions of examiners and on questions of declaring varieties open for public use in the times of national emergency.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

Meetings are open to the public. However, certain agenda items may be closed to the public if confidential material from individual applications is being presented to the Board for their consideration.

**21. Remarks**

The PVPO will be increasing outreach efforts. A broad search will be undertaken for nominees from identifiable minority groups with the required expertise in variety development using emails or letters sent to all 1890 and 1860 colleges and universities, to Hispanic-Serving and Native American-Serving (1994) Institutions, and state research and extension programs serving small farmers. Emails will also be sent to professional societies, including societies specifically fostering advancement of minority scientists. All oral and written contacts will specify that nominees are sought who possess "demonstrated ability to represent minorities, women, and persons with disabilities". The PVP Board does not create annual report, instead the minutes of the meeting are generated by the PVP staff and are approved by the Board members. The minutes can be found at: <https://www.ams.usda.gov/services/plant-variety-protection/pvpo-advisory-board>

## Designated Federal Officer

Jeff Haynes DFO

Committee Members	Start	End	Occupation	Member Designation
Beuttenmuller, John	05/01/2018	05/01/2020	University	Special Government Employee (SGE) Member
Brown, Charles	05/01/2018	05/01/2020	Seed Producer - Alternate Member	Special Government Employee (SGE) Member
Burchett, Brent	05/01/2018	05/01/2020	State Government	Special Government Employee (SGE) Member
Corona, Eloy	05/01/2018	05/01/2020	Seed Producer	Special Government Employee (SGE) Member
Douglass, Shannon	05/01/2018	05/01/2020	Farmer	Special Government Employee (SGE) Member
Duesing, John	05/01/2018	05/01/2020	Seed Producer	Special Government Employee (SGE) Member
Freeman, Josh	05/01/2018	05/01/2020	University	Special Government Employee (SGE) Member
Heaton, John	05/01/2018	05/01/2020	State Government	Special Government Employee (SGE) Member
Keithly, Kelly	05/01/2018	05/01/2020	Seed Producer	Special Government Employee (SGE) Member
Kole, Patrick	05/01/2018	05/01/2020	Association-Potato Commission	Special Government Employee (SGE) Member
Madjarac, Stevan	05/01/2018	05/01/2020	Seed Company	Special Government Employee (SGE) Member
Nebel, Heidi	05/01/2018	05/01/2020	IP Attorney	Special Government Employee (SGE) Member
Shuman, Wendell	05/01/2018	05/01/2020	Farmer - Alternate Member	Special Government Employee (SGE) Member
Sutton, James	05/01/2018	05/01/2020	State Government	Special Government Employee (SGE) Member
Tsui, Albert	05/01/2018	05/01/2020	University	Special Government Employee (SGE) Member
White, Katherine	05/01/2018	05/01/2020	University	Special Government Employee (SGE) Member

**Number of Committee Members Listed: 16**

## Narrative Description

The duties of the Board are to: (1) advise the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the Act; (2) make advisory decisions for the Secretary on appeals concerning decisions on applications by the Plant Variety Protection Office and on requests for emergency public-interest compulsory licenses; and (3) advise the Secretary on any other matters under the rules and regulations.

## What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input checked="" type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

## Outcome Comments

NA

**What are the cost savings associated with this committee?**

Checked if Applies

None	<input checked="" type="checkbox"/>
Unable to Determine	<input type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

**Cost Savings Comments**

NA

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

10

**Number of Recommendations Comments**

1) The PVPO should enlist volunteers to study the consequences/implications of establishing molecular marker thresholds. 2) Use the term "morphologically indistinguishable" instead of "tie" for the SNP pairwise project. 3) Work with law students to develop an infographic on the differences and benefits of PVP and Patents 4) Work on establishing a Quality management system in conjunction with the Board and seed industry 5) Work with the Seed Innovation Protection Alliance to develop PVP website guidance on where breeders can turn for suspected PVP infringement and PVP enforcement assistance 6) Review the concept of adding asexually propagated plants to PVP after the ASTA winter conference 7) Plan to develop a PVP user guide and test guidelines that follow UPOV guidelines that assist PVP applicants in conducting field trials 8) Propose to UPOV that the U.S. should offer to hold the 2019 BMT meeting 9) Consider holding the next physical Board meeting 1 day instead of 1-1/2 days 10) Pursue the expansion of the Plant Variety Protection Act to include asexually reproduced plants. The Board does not identify any other necessary modifications to the Plant Variety Protection Act at this time.

**What is the approximate Percentage of these recommendations that have been or**

**will be Fully implemented by the agency?**

100%

**% of Recommendations Fully Implemented Comments**

The recommendation from previous and the most recent Board meeting in August 2018 have been implemented.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

NA

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

Quarterly updates are sent to Board members

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

NA

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

N/A